UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
DESHPANDE, KALYAN K

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3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	09/965,854	ZAREFOSS ET AL.
Office Action Summary	Examiner	Art Unit	
	Kalyan K. Deshpande	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
> - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,82-85,87,90-96,98-100 and 102-117* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,82-85,87,90-96,98-100 and 102-117* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/ are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Introduction

1.   The following is a non-final office action in response to the communications received on September 25, 2007. Claims 1, 82-85, 87, 90-96, 98-100, and 102-117 are now pending in this application.

Examiner's Note

2.   Applicants' are requested to briefly summarize in the remarks which claims have been amended or cancelled and list which claims are new. This clarification will enable the Examiner to maintain consistency between the most current recitation of the claims and the current office action.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 25, 2007 has been entered.

Response to Amendments

4.   Applicants' amendments to claims 1, 84, 92, 93, 105, 106, 109, and 110 are acknowledged. New claims 115-117 are acknowledged. Applicants' cancellation of claims 81, 86, 88-89, 97, and 101.

Response to Arguments

5.   Applicants' arguments filed on September 25, 2007 have been fully considered

but are not moot under new grounds of rejection.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claims 1, 82-85, 87, 90-96, 98-100, and 102-117 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention.

Claim 1, 82-85, 87, 90-96, 98-100, and 102-117 recites the limitation "the user

creating the derived planning component". There is insufficient antecedent basis for this

limitation in the claim.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1, 82-85, 87, 90-96, 98-100, and 102-117 are rejected under 35 U.S.C.

103(a) as being unpatentable over Greene (Greene, James H., Production and

Inventory Control Handbook, McGraw-Hill, 1997) in view of Dabbiere (U.S. Patent

Publication No. 20020013721).

As per claim 1, Greene teaches "a computer implemented method for sharing

and manipulating supply chain planning data, comprising the steps of: creating a central

database for storing and sharing planning data used to coordinate, schedule and plan

supply chain activities between and among a plurality of users of the supply chain, the

central database being organized into planning items and planning components, each

planning item associated with a set of time dependant planning components, the

planning items including products, locations, and user-defined attributes, the planning

components including demand forecast, supply forecast, promotional forecast, and

purchasing order information, each planning component having a start date, duration,

quantity, and version identifier assigned by the user" (see Greene 10.1-10.10, 11.1-

11.3, 11.5-11.14, 12.1-12.3, 12.10-12.13, 12.16-12.20, and 30.1-30.8; where planning

data is constructed in order to meet supply chain demands. The capacity plans,

resource plans, and production plans take in to account items, including products,

locations and user-defined attributes. Item components are further defined, including

demand forecast, supply forecast, promotional forecast, and purchasing. The planning

components have a time period that includes a start time, completion time, and

duration. Greene further illustrates the use of software and databases to implement the

production plans. Examiner notes that the specified "planning items" of "products,

locations, and user-defined attributes", the "planning components" of "demand forecast,

supply forecast, promotional forecast, and purchasing order information", the "planning

component attributes of "start date, duration, quantity, and version identifier" are non-

functional descriptive material and are not functionally involved in the steps recited nor

do they alter the recited structural elements. The recited method steps would be

performed the same regardless of the specific data. Further, the structural elements

remain the same regardless of the specific data. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability and are thus

not given patentable weight, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401,*

404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994);

MPEP § 2106.)), "creating a derived planning component through an equation which

uses other selected planning components stored in the central database, the derived

planning component being made available to the users of the supply chain according to

authorization level assigned by the user creating the derived planning component" (see

Greene 10.1-10.10, 11.1-11.3, 11.5-11.14, 12.1-12.3, 12.10-12.13, 12.16-12.20, and

30.1-30.8; where algorithms are used to optimize all plans.), "providing an attribute

module made selectively available to the plurality of users in the supply chain, the

attribute module having access to the central database for assigning user-defined

attributes to the planning data to facilitate access to and manipulation of the planning

data according to the different requirements for each user" (see Greene 10.1-10.10,

11.1-11.3, 11.5-11.14, 12.1-12.3, 12.10-12.13, 12.16-12.20, and 30.1-30.8; where

planning attributes can be manipulated based on need. Each user can incorporate their

needs in order to generate an optimal plan.), and "providing a calendar module made

selectively available to the plurality of users in the supply chain, the calendar module

having access to the central database for organizing and viewing a time series of the

planning data over different periods of time, each period of time being defined by a

starting date and ending date according to the user's calendar" (see Greene 10.1-10.10,

11.1-11.3, 11.5-11.14, 12.1-12.3, 12.10-12.13, 12.16-12.20, and 30.1-30.8; where a

calendar organizing the attributes of the plans is used. The calendar defines start times

and end times.). Greene fails to explicitly teach "each user having an ability to read

planning data from or write planning data to the central database according to an

authorization level assigned by the user writing the planning data to the central

database, each user having a different requirement for the planning data", "providing a

hierarchy module made selectively available to the plurality of users in the supply chain,

the hierarchy module having access to the central database for creating a plurality of

hierarchies for organizing and viewing the planning data for the plurality of users, each

hierarchy containing a unique ordered grouping of the planning items based on the

associated user-defined attributes to permit the user to view the planning data from

different perspectives, at least one of the plurality of hierarchies containing product

identifiers in a top tier, product size in a middle tier, and a product sales in a bottom

tier", "providing a freeze profile module made selectively available to the plurality of

users in the supply chain, the freeze profile module having access to the central

database for assigning a freeze profile to the planning data preventing the planning data

from being edited during a freeze period", and "providing a manipulation module made

selectively available to the plurality of users in the supply chain, the manipulation

module having access to the central database for manipulating the planning data

through data aggregation, data allocation, and component conversion, the data

aggregation allowing the user to sum the planning items and planning components

when viewing the planning data, the data allocation allowing the user to allocate data

when editing aggregated planning items, the component conversion allowing the user to

convert data into different units of measure including weight, volume, and currency".

Dabbiere, in an analogous art, teaches "each user having an ability to read planning

data from or write planning data to the central database according to an authorization

level assigned by the user writing the planning data to the central database, each user

having a different requirement for the planning data" (see Dabbiere paragraphs 21, 24,

26, 28, 30-31, 42-43, and 52-54; where access levels can be defined for specific users

depending on their role in the supply chain.), "providing a hierarchy module made

selectively available to the plurality of users in the supply chain, the hierarchy module

having access to the central database for creating a plurality of hierarchies for

organizing and viewing the planning data for the plurality of users, each hierarchy

containing a unique ordered grouping of the planning items based on the associated

user-defined attributes to permit the user to view the planning data from different

perspectives, at least one of the plurality of hierarchies containing product identifiers in

a top tier, product size in a middle tier, and a product sales in a bottom tier" (see

Dabbiere paragraphs 21, 24, 26, 28, 30-31, 42-43, and 52-54; where specific individuals

can grant or deny access to specific users. Each user is given a status identifier that

limits their access to certain data. Data that users can view is organized by the type

information the user has access too. For example, a buyer can log in to the system and

see the availability of a specific product based on manufactures' inventories. Examiner

notes that the specific product attributes of "identifiers", "product size", and "product

sales" are non-functional descriptive material and are not functionally involved in the

steps recited nor do they alter the recited structural elements. The recited method steps

would be performed the same regardless of the specific data. Further, the structural

elements remain the same regardless of the specific data. Thus, this descriptive

material will not distinguish the claimed invention from the prior art in terms of

patentability and are thus not given patentable weight, see In re Gulack, 703 F.2d 1381,

1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d

1031 (Fed. Cir. 1994); MPEP δ 2106.)), and "providing a manipulation module made

selectively available to the plurality of users in the supply chain, the manipulation

module having access to the central database for manipulating the planning data

through data aggregation, data allocation, and component conversion, the data

aggregation allowing the user to sum the planning items and planning components

when viewing the planning data, the data allocation allowing the user to allocate data

when editing aggregated planning items, the component conversion allowing the user to

convert data into different units of measure including weight, volume, and currency"

(see Dabbiere paragraphs 21, 24, 26, 28, 30-31, 42-43, 52-54, and 63-65; where data is

extracted and converted to acceptable formats. Users' with the appropriate access

levels are able to manipulate the appropriate information as necessary. Examiner notes

that the specific units of measure of "weight, volumne, and currency" are non-functional

descriptive material and are not functionally involved in the steps recited nor do they

alter the recited structural elements. The recited method steps would be performed the

same regardless of the specific data. Further, the structural elements remain the same

regardless of the specific data. Thus, this descriptive material will not distinguish the

claimed invention from the prior art in terms of patentability and are thus not given

patentable weight, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.*

Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ₰

2106.)). Examiner takes Official Notice that it is old and well-known in the art to include

a step for "providing a freeze profile module made selectively available to the plurality of

users in the supply chain, the freeze profile module having access to the central

database for assigning a freeze profile to the planning data preventing the planning data

from being edited during a freeze period". Such database locking is typical to enable

the updating and reorganizing of a database. The advantage of these features is that it

adds additional levels of security to ensure the integrity of data and the universality of

data. It would have been obvious, at the time of the invention, to one of ordinary skill in

the art to combine the features of "each user having an ability to read planning data

from or write planning data to the central database according to an authorization level

assigned by the user writing the planning data to the central database, each user having

a different requirement for the planning data", "providing a hierarchy module made

selectively available to the plurality of users in the supply chain, the hierarchy module

having access to the central database for creating a plurality of hierarchies for

organizing and viewing the planning data for the plurality of users, each hierarchy

containing a unique ordered grouping of the planning items based on the associated

user-defined attributes to permit the user to view the planning data from different

perspectives, at least one of the plurality of hierarchies containing product identifiers in

a top tier, product size in a middle tier, and a product sales in a bottom tier", "providing a

freeze profile module made selectively available to the plurality of users in the supply

chain, the freeze profile module having access to the central database for assigning a

freeze profile to the planning data preventing the planning data from being edited during

a freeze period", and "providing a manipulation module made selectively available to the

plurality of users in the supply chain, the manipulation module having access to the

central database for manipulating the planning data through data aggregation, data

allocation, and component conversion, the data aggregation allowing the user to sum

the planning items and planning components when viewing the planning data, the data

allocation allowing the user to allocate data when editing aggregated planning items, the

component conversion allowing the user to convert data into different units of measure

including weight, volume, and currency" taught by Dabbiere and Official Notice to

Greene in order to add additional levels of security to ensure the integrity of data and

the universality of data.

As per claim 82, Greene teaches "wherein the planning data is selectively made

available through a filter that queries for the planning data by seeking only data having

the user-defined attribute" (see Greene 10.1-10.10, 11.1-11.3, 11.5-11.14, 12.1-12.3,

12.10-12.13, 12.16-12.20, and 30.1-30.8; where specific data for the specific plan is

used to develop reports and graphs. The use of only certain data is the same as

filtering the data for relevant information.).

As per claim 83, Greene teaches "wherein the plurality of users are selected from

the group consisting of suppliers, assemblers, manufacturers, distributors, and trading

partners" (see Greene 10.1-10.10, 11.1-11.3, 11.5-11.14, 12.1-12.3, 12.10-12.13,

12.16-12.20, and 30.1-30.8; where all members of the supply chain are involved in the

planning processes and have access to the data. Also see Dabbiere paragraphs 21,

24, 26, 28, 30-31, 42-43, 52-54, and 63-65; where suppliers, assemblers,

manufacturers, distributors, and trading partners all have access to the system.

Examiner further notes that the specific users of "suppliers, assemblers, manufacturers,

distributors, and trading partners" are non-functional descriptive material and are not

functionally involved in the steps recited nor do they alter the recited structural

elements. The recited method steps would be performed the same regardless of the

specific data. Further, the structural elements remain the same regardless of the

specific data. Thus, this descriptive material will not distinguish the claimed invention

from the prior art in terms of patentability and are thus not given patentable weight, *see*

In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry,

32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ₰ 2106.)).

As per claim 84, Greene teaches "wherein one of the user- defined attributes is

product size (see Greene 10.11 and 11.21; where an attribute is product weight.

Product weight is the same as product size. Examiner further notes that the specific

attribute of "product size" is non-functional descriptive material and are not functionally

involved in the steps recited nor do they alter the recited structural elements. The

recited method steps would be performed the same regardless of the specific data.

Further, the structural elements remain the same regardless of the specific data. Thus,

this descriptive material will not distinguish the claimed invention from the prior art in

terms of patentability and are thus not given patentable weight, *see In re Gulack, 703*

F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.)).

As per claim 85, Greene teaches "wherein the attribute module further assigns

location attributes and product attributes to the planning data (see Greene p. 12.26;

where items and item attributes are logged by vendors, which is a location.).

As per claims 87 and 90, Greene fails to explicitly teach "wherein the plurality of

users are assigned roles to determine status as read-only or authorized for editing the

planning data" and "wherein the step of providing a hierarchy module involves ranking

and placing one of the attributes into a hierarchical order". Dabbiere, in an analogous

art, teaches "wherein the plurality of users are assigned roles to determine status as

read-only or authorized for editing the planning data" (see Dabbiere paragraphs 21, 24,

26, 28, 30-31, 42-43, and 52-54; where specific users are assigned the appropriate

level of access and can only view specific data.) and "wherein the step of providing a

hierarchy module involves ranking and placing one of the attributes into a hierarchical

order" (see Dabbiere paragraphs 21, 24, 26, 28, 30-31, 42-43, and 52-54; where

specific data, such as product available, is organized into a hierarchy based on

manufacturers' inventory.). The advantage of such features is that it further ensures

data integrity by providing an additional layer of security to information. It would have

been obvious, at the time of the invention, to one of ordinary skill in the art to combine

the features of "wherein the plurality of users are assigned roles to determine status as

read-only or authorized for editing the planning data" and "wherein the step of providing

a hierarchy module involves ranking and placing one of the attributes into a hierarchical

order" taught by Dabbiere to Greene in order to ensure data integrity by providing an additional layer of security to information.

As per claim 91, Greene teaches "wherein the plurality of users access the central database through a communication link to a computer network" (see Greene pages 28.7-28.9; where a client/server system can be implemented where a plurality of users access a central database through a computer network.).

Claims 92-96, 98-100, and 102-117 recite a method and a product taught by Greene for "sharing supply chain planning data" (see Greene 10.1-10.3, 11.1-11.3, 12.1-12.3, 28.1-28.3, 29.1-29.3, and 30.1-30.3; where a supply chain planning system and method are disclosed.) and "a computer program product usable with a programmable computer processor having a computer readable program code embodied therein" (see Greene 10.1-10.3, 11.1-11.3, 12.1-12.3, 28.1-28.3, 29.1-29.3, and 30.1-30.3; where a computer program is embodied and executed on a server.). Claims 92-96, 98-100, and 102-117 further recite limitations already addressed by the rejections of claims 1, 82-85, 87, and 90-91; therefore the same rejections apply to these claims.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

BETH VAN DOREN
PRIMARY EXAMINER

/kkd/